MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1447 OF 2007

HARGOVIND SHANKARLAL BHADRA .. PETITIONER

Vs.

THE STATE OF MAHARASHTRA & ORS... RESPONDENTS

Mr. Kishor V. Tembe for petitioner

Mr. K. R. Belosay, GP for R-1 to 3

Ms. S. M. Modle for BMC R-4

CORAM: **SMT. RANJANA DESAI &**

SMT. R. S. DALVI, JJ.

DATED: AUGUST 28, 2007.

P.C.

. We have heard the learned counsel for the petitioner, the learned Govt. Pleader and the learned counsel for respondent 4, the Municipal Corporation for Greater Mumbai.

2. The learned Counsel are agreed that the present petition is covered by the judgment and Order passed by the Division Bench of this court (Justice F. I. Rebello & Anoop V. Mohta, JJ) dated 5th October, 2006 in Writ Petition No. 3119 of 2003

and the present petition can be disposed of in terms of the said judgment.

3. Consent Minutes of Order duly signed by the advocate for the petitioner and the learned Govt. Pleader for respondents 1 to 3 are taken on record. They are marked "X". It needs to be noted that the petitioner has not claimed any relief against respondent 4, Municipal Corporation of Greater Bombay.

4. Undertaking of the petitioner Hargovind Shankarlal Bhadra dated 28th August, 2007 is taken on record. It is marked "Y". It is signed by the petitioner. Signature of the petitioner is identified by the learned counsel for the petitioner. The said undertaking is accepted by this court. We must reproduce the 1st paragraph of the undertaking. It reads thus;

. "1. I say that I hereby undertake to this Hon'ble Court that the construction to be put up by me on the suit land that is the Plot No. 23 of SS-XVII of Kirol (North) and C.T.S. No. 4736 of Village Ghatkopar-Kirol, shall be raised by me in accordance with the Building Plans that may be

sanctioned by Respondent No. 4 viz. the Municipal Corporation of Greater Bombay and the grant under which I occupy the land in question."

5. It is clear that the petitioner has undertaken that the construction to be put up by him on the land which is Plot No. 23 of SS-XVII of Kirol (North) and C.T.S. No. 4736 of Village Ghatkopar-Kirol, shall be raised by him in accordance with the building plan that may be sanctioned by respondent 4 Municipal Corporation.

6. We are informed that an amount of Rs.50,000/- has already been deposited by the petitioner with respondent 2 on 22/8/2007.

7. Order in terms of the consent minutes of order. Petition is disposed of in terms of the consent minutes of the order.

JUDGE

JUDGE